

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff(s),)	
)	2:10-cr-121-RLH-RJJ
vs.)	
)	MINUTES OF THE COURT
BRETT DEPUE,)	
)	February 6, 2012
Defendant(s).)	
_____)	

THE HONORABLE ROGER L. HUNT UNITED STATES DISTRICT JUDGE
COURTROOM ADMINISTRATOR KANDY CAPOZZI COURT REPORTER HEATHER NEWMAN
COUNSEL FOR PLAINTIFF(S) BRIAN PUGH; SARAH GRISWOLD
COUNSEL FOR DEFENDANT(S) MACE YAMPOLSKY

MINUTES OF PROCEEDINGS: **JURY TRIAL (Day One - Jury Selection)**

The Court convenes at 9:04 a.m. Defendant is present. FBI agent Steven Konrad is present with the Government.

Mr. Depue informs the Court that he wishes to represent himself with Mr. Yampolsky assisting as standby counsel.

The Court canvasses the defendant, cautions him of the difficulties and risks of self-representation and explains what would be required of him during trial. The Court strongly urges the defendant to reconsider.

Mr. Yampolsky and Mr. Pugh voice concerns.

The Court permits Mr. Depue to represent himself with Mr. Yampolsky acting as standby counsel.

The Court further counsels the defendant regarding trial procedures.

The Evidentiary Stipulations entered into by the Government and Mr. Yampolsky shall stand.

Mr. Pugh makes an oral motion to amend the Indictment. Page 7 line 7 reads "Interstate fax or wiring instructions..." and should read "Interstate fax of wiring instructions...".

The motion to amend is granted and the Indictment is deemed amended accordingly.

The Court goes off the record at 9:22 a.m. to await the jury.

The Court goes back on the record at 9:27 a.m. Mr. Depue advises that he has reconsidered and wishes to proceed with Mr. Yampolsky as counsel.

The Court informs the parties of its intent to proceed into the lunch hour if necessary to select the jury.

The Court again goes off the record at 9:32 a.m.

Seventy-nine prospective jurors enter the Courtroom at 9:38 a.m.

The jurors are addressed by the Court and the Courtroom Administrator administers the oath. Thirty-four initial jurors are identified and *Voir Dire* commences.

The Court recesses from 10:52 a.m. to 11:13 a.m.

AT SIDEBAR: The Court's admonishments to the Defendant regarding self-representation are discussed. AUSA Peter Levitt is also present at sidebar.

Voir Dire concludes.

The Court recesses from 1:19 p.m. to 1:41 p.m.

Peremptory challenges are made. Sixteen jurors are selected and the Courtroom Administrator administers the oath.

The Court gives preliminary instructions.

IT IS HEREBY ORDERED the trial in this matter shall continue TUESDAY, FEBRUARY 7, 2012 at 8:30 a.m.

The jury is admonished and the Court adjourns at 2:25 p.m.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

BY: /s/ Kandy Capozzi
Courtroom Administrator